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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,464	04/15/2004	Richard P. Helliwell	200304269-2	8184

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

ENG, DAVID Y

ART UNIT	PAPER NUMBER
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2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/825,464	Applicant(s) HELLIWELL, RICHARD P.	
	Examiner DAVID Y. ENG	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claims 1-19, 26-29 and 35-38 have been cancelled. The active claims are 20-25, 30-34 and 39-52 of which 39-52 are newly submitted.

Claims 20-25 and 30-34 are allowed.

Claims 39-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 39, it is not clear what are in the number field and the range field and how they are related to the first VM logical value. It is not clear how the values and the fields in the NVM and the VM as processed by the repetitive steps would create a series of unique identifiers comprising the number field and the range field. It is not seen why and how the number field would contain all of a second VM logical value. It is not clear how the step of stepping the bit string (step 3) is related to the other steps and to creating unique identifiers. It is not clear how each of the unique identifiers as created is different from the others.

With respect to the dependent claims, it is not clear how the steps as recited therein are related to the steps of their parent claims and in what order with respect to the steps of their parent claims the steps in the dependent claims are executed. Following the steps as recited in the claims does not create a series of unique identifiers. Further with respect to the dependent claims, it is not clear what is meant by "when contents of the VM are lost". See claims 40 and 42 for example.

Claims 46-52 have similar defects. Further with respect to claim 46, there is no functional relationship between the two memories.

Figure 5 depicts Applicants' invention. However, independent claims 39 and 46 do not correspond to the drawing. Applicants are requested to identify the components of claims 39-52 in Figure 5.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (USP 7,107,276) in view of Kanai (USP 5,748,985).

See at least column 1, line 65-67; column 7, line 3-5; column 8, line 28-30; items S1140 of Figure 4; item 380 and 375 of Figure 7; items 510 and 530 of Figure 8, and claims 13 and 22 in Johnson. Johnson teaches:

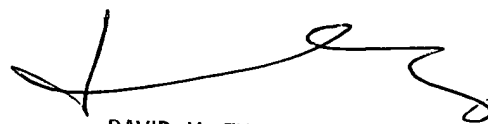
The unique identifier generator in Johnson includes either a volatile or non-volatile memory to store a value (column 7 line 3-5 and column 8 line 28-30) and an incrementor (column 1 line 65-67, claim 13 and 22). Unique identifiers are generated by incrementing the value stored in the memory. The only difference is that the unique identifier generator of Johnson does not have a backup memory. In the event a volatile memory is used instead of a non-volatile memory, the generator would not function properly if power is lost. However, Kanai teaches using a non-volatile memory as a backup. From the teaching of Kanai, it would have been obvious to a person of ordinary skill in the art to use a non-volatile for resetting the value in the volatile memory of Johnson so that the unique identifier generator can be recovered from power lost.

For the reasons set forth in the Section 112, rejection, no statement can be made as to whether Johnson and Kanai are applicable to claims 39-45 and 49-52.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID Y. ENG
PRIMARY EXAMINER